

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

In re AVELINA MONICA
OXHOLM-DABABNEH,

Debtor.

AVELINA MONICA
OXHOLM-DABABNEH,

Appellant,

v.

PB REIT, INC.,

Appellee.

Case No. 13-12075
HON. TERRENCE G. BERG

Bankruptcy No. 12-31088
HON. DANIEL OPPERMAN

ORDER GRANTING MOTION TO DISMISS APPEAL

This action is an appeal from the Bankruptcy Court. After filing a notice of appeal, Appellant Avelina Monica Oxholm-Dababneh has filed nothing else: no opening brief, no response to Appellee's Motion to Dismiss Appeal (Dkt. 5), and no response to this Court's July 22, 2013 Order to Show Cause why Appellee's Motion to Dismiss the Appeal should not be granted (Dkt. 7).

Under Federal Rule of Bankruptcy Procedure 8001(a), when an appellant files a notice of appeal but thereafter fails to take any other action, the district court has discretion to take any action it deems appropriate, including dismissing the appeal. Fed. R. Bankr. P. 8001(a) ("An appellant's failure to take any step other than timely filing a notice of appeal does not affect the validity of the appeal, but is ground only for such action as the district court or bankruptcy appellate panel

deems appropriate, which may include dismissal of the appeal.”); *see also In re Creditors Services Corp.*, 182 F.3d 916 (Table), 1999 WL 519296 (6th Cir. July 15, 1999) (noting the “court will reverse a dismissal for negligence, indifference, or bad faith only for an abuse of discretion”) (citing *In re Winner Corp.*, 632 F.2d 658, 661 (6th Cir.1980)).

Based on the record before the Court, it is clear that Appellant is indifferent to the outcome of this appeal. The Court has already ordered Appellant to show cause, if such cause exists, why the appeal should not be dismissed, but Appellant has further demonstrated her indifference by making no response to the Court’s Order.

Accordingly, in light of Appellant’s apparent indifference, Appellee’s Motion to Dismiss Appeal (Dkt. 5) is **GRANTED**, and the appeal is **DISMISSED**.

SO ORDERED.

s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Dated: July 30, 2013

Certificate of Service

I hereby certify that this Order was electronically submitted on July 30, 2013, using the CM/ECF system, which will send notification to all parties.

s/A. Chubb
Case Manager